

Applicant : Bazan, et al.
Serial No. : 09/963,347
Filed : September 25, 2001
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Attorney's Docket No.: 16622-006001 / DX0903K1

REMARKS

It is respectfully requested that this application be reconsidered in view of the above amendments and the following remarks and that all of the claims remaining be allowed.

Claim Amendments

Claims 22-32 have been canceled without prejudice or disclaimer.

New claim 33 has been added, which is identical to pending claim 21, except that claim 33 recites SEQ ID NO:1 and claim 21 recites SEQ ID NO:3.

No new matter has been added by these amendments. The Examiner is hereby requested to enter these amendments.

Rejections Under 35 U.S.C. §112, First Paragraph (Paragraphs 5-6 of the Office Action)

The rejections of claims 22-24 and 30-32 under 35 U.S.C. §112, first paragraph, are now moot since all of these claims have been canceled. Therefore, withdrawal of these rejections is respectfully requested.

Rejection Under 35 U.S.C. §102 (Paragraph 7 of the Office Action)

The rejection of claims 21-24 and 30-32 under 35 U.S.C. §102(e) as allegedly being unpatentable in view of Sims et al. (U.S. Patent 6,555,520, "the '520 patent") is respectfully traversed for the reasons set forth below.

Claims 22-32 have been canceled. Therefore, the only rejection against claim 21 (and new claim 33) is the rejection under 35 U.S.C. §102(e) over the '520 patent. Since the claims of the '520 patent are directed to the same invention as claims 21 and 33 of the present application, Applicants respectfully suggest that an interference be declared between the present application and the '520 patent. A Request For Interference Pursuant To 37 C.F.R. §41.202 will be submitted in due course.

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Conclusions

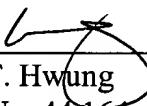
For the reasons set forth above, Applicants submit that the claims of this application are patentable. Reconsideration and withdrawal of the Examiner's objections and rejections are hereby requested.

In the event that a telephone conversation could expedite the prosecution of this application, the Examiner is requested to call the undersigned at (650) 839-5044.

Enclosed is a \$790.00 check for the RCE fee required under 37 CFR 1.17(e) and a \$1020.00 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: Aug. 2, 2005


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